

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ANTONIO CABALLERO,

Case No.: 1:20-mc-00249-VEC

Plaintiff,

~~**FILED UNDER SEAL**~~

v.

FUERZAS ARMADAS
REVOLUCIONARIAS DE COLOMBIA
a/k/a FARC-EP a/k/a
REVOLUTIONARY ARMED FORCES
OF COLOMBIA; and THE NORTE DE
VALLE CARTEL,

Defendants.

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ORDER ON
PLAINTIFF ANTONIO CABALLERO'S MOTION FOR WRIT OF EXECUTION

UPON DUE AND CAREFUL CONSIDERATION of the Court's January 13, 2021 sealed (now unsealed) Order (the "January 13, 2021 Petrocedeño Order," D.E. 67) granting Caballero's *ex parte* Motion for Writ of Attachment [D.E. 6], regarding Petrocedeño S.A. ("Petrocedeño"); the April 11, 2022 sealed Order (the "April 11, 2022 Sealed Petrocedeño Order") and D.E. 92 granting Caballero's *ex parte* Motion for Writ of Execution [D.E. 57]; Plaintiff Antonio Caballero's Motion for Writ of Execution dated November 8, 2024 (hereafter the "Motion for Writ of Execution"); and pursuant to the Anti-Terrorism Act ("ATA"), 18 U.S.C. §2333(a); Section 201(a) of the Terrorism Risk Insurance Act of 2002 ("TRIA"), Pub. L. No. 107-297, § 201(a), 116 Stat. 2322 (codified at 28 U.S.C. § 1610 note); *Stansell v. Revolutionary Armed Forces of Columbia [sic]*, 771 F.3d 713, 729-730 (11th Cir. 2014) (concluding that in actions to enforce judgments against terrorists "factors weigh in favor of immediate attachment"); Fed. R. Civ. P. 69; and New York CPLR §§ 5230 and 5232, it is **ORDERED AND ADJUDGED** as follows:

1. The Court has subject matter jurisdiction to conduct post-judgment execution proceedings of a plaintiff's final judgment under a federal statute (ATA), rendered by a U.S. district court and properly registered in this district pursuant to 28 U.S.C. § 1963, with post-judgment execution under the ATA and TRIA § 201;

2. The Court grants the Motion for Writ of Execution;

3. The Court finds that, pursuant to the January 13, 2021 Petrocedeño Order (D.E. 67), the assets of Petrocedeño, S.A. are blocked assets and are executable under TRIA towards satisfaction of the May 20, 2020, final judgment entered in the United States District Court for the Southern District of Florida in favor of Mr. Caballero and against FUERZAS ARMADAS REVOLUCIONARIAS DE COLOMBIA, a/k/a FARC-EP, a/k/a/ FARC, a/k/a REVOLUTIONARY ARMED FORCES OF COLOMBIA ("FARC") and THE NORTE DE VALLE CARTEL, a/k/a NDVC, a/k/a NORTH VALLEY CARTEL, and which was registered with this Court on July 6, 2020, D.E. 1 – 1-1 (hereinafter the "ATA Final Judgment");

4. The Court concludes that Plaintiff Antonio Caballero has adequately established that (i) he has obtained an ATA judgment against a terrorist party that is based on an act of international terrorism; (ii) the assets which Mr. Caballero seeks to execute on are "blocked assets" as that term is defined under the TRIA and the ATA, 18 U.S.C. §2333(e); (iii) the total amount of the execution does not exceed the amount outstanding of Mr. Caballero's ATA Final Judgment; and (iv) an agency or instrumentality of the FARC has an interest in the subject blocked assets;

5. The Clerk of this Court is directed to issue the Writ of Execution for the levy of the blocked assets within this Court's jurisdiction held by Garnishee, JPMorgan Chase Bank, N.A. ("JPM") for service and levy on JPM to execute and/or attach any assets (up to Plaintiff Antonio Caballero's outstanding trebled portion of his compensatory damages award – i.e., \$119,749,608.07 – plus interest) within this Court's jurisdiction in the putative name of, or for the benefit of, or that

were blocked due to an association with Petrocedeño S.A.;

6. The Clerk of the Court is authorized and directed to issue such further writs of execution as warranted under, and in accordance with, Rule 69 of the Federal Rules of Civil Procedure, consistent with the January 13, 2021 Petrocedeño Order (D.E. 67), April 11, 2022 Sealed Petrocedeño Order, D.E. 92, and this Order; and

7. Mr. Caballero is ordered to notify the Court once he has attached all assets that are subject to this order.

AND IT IS SO ORDERED this day of December 9 2024, in New York, New York.



VALERIE CAPRONI
U.S. DISTRICT COURT JUDGE